

**THE UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION**

**IN RE:**

**ANDREW EARL WRIGHT,  
Debtor**

**CASE NO.: 3:13-bk-07558-PMG  
Chapter 13**

**ORDER GRANTING DEBTOR'S MOTION TO DETERMINE SECURED  
STATUS OF THIRD MORTGAGE HELD BY KEYBANK AND TO STRIP LIEN  
EFFECTIVE UPON DISCHARGE**

THIS CAUSE came before the Court on April 1, 2014 on Debtor's Motion to Determine Secured Status of Third Mortgage Held by KayBank and to Strip Lien Effective Upon Discharge. The Court, having considered all documents and evidence submitted to the court, arguments of counsel, and being otherwise fully advised in the premises, it is:

**ORDERED AND ADJUDGED:**

1. The Debtor's Motion to Determine Secured Status of Third Mortgage Held by KeyBank and to Strip Lien Effective Upon Discharge is HEREBY GRANTED.
2. The real property (the "Property") that is the subject of the proceeding is located at 2617 Fernleaf Drive, Green Cove Springs, Florida 32043, and more particularly described as follows:  
  
LOT 396, SILVER CREEK, ACCORDING TO PLAT THEREOF AS RECORDED IN PLAT BOOK 44, PAGES 52 THROUGH 72, OF THE PUBLIC RECORDS OF CLAY COUNTY, FLORIDA.
3. The property is encumbered by a valid first mortgage, held by Wells Fargo Home Mortgage in the approximate amount of \$190,000.00.
4. The KeyBank National Association holds a third mortgage that is wholly unsecured.
5. Claim No. 3 filed by KeyBank National Association shall be treated as an

unsecured claim in this Chapter 13 case.

6. The mortgage held by KeyBank National Association, recorded at Book 2648, Page 816, and any subsequent amendments thereto, of the Official Records Book of Clay County, Florida, recorded December 15, 2005, shall be deemed void and shall be extinguished automatically, without further court order, upon entry of the Debtor's discharge in this Chapter 13 case; provided, however, that the Court reserves jurisdiction to consider, if appropriate, the avoidance of KeyBank's lien prior to the entry of the Debtor's discharge.
7. Further, if this case is converted to a case under Chapter 7, or if this Chapter 13 case is dismissed, the mortgage will no longer be considered void and shall be restored as a secured debt.

DONE and ORDERED in Jacksonville, Florida, this 1st day of May, 2014



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Paul M. Glenn  
United States Bankruptcy Judge

Attorney Kendal A. Sanders is directed to serve a copy of this order on interested parties and file a proof of service within 3 days of entry of the order.

RECORDED IN THE US BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA,  
JACKSONVILLE DIVISION  
J.B. VOL. 54, NO. 7955